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6 Attorneys for Defendant INTERNATIONAL
BUSINESS MACHINES CORPORATION

8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

11 SAM ABOUD,

12 Plaintiff,

13 vs.

14 INTERNATIONAL BUSINESS MACHINES
15 CORPORATION,

16 Defendant.

CASE NO. C04-00017 JW

**DECLARATION OF JAMES DONAHOE
IN SUPPORT OF DEFENDANT IBM'S
MOTION FOR SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Date: January 23, 2006
Time: 9:00 a.m.
Crtrm.: Hon. James Ware

1 I, James Donahoe, declare as follows:

2 1. I submit this declaration in support of Defendant IBM's Motion for
3 Summary Judgment, or in the alternative, Partial Summary Judgment. The matters referred to in
4 this declaration are based upon my personal knowledge and, if called as a witness, I could and
5 would testify competently to those matters.

6 2. In 2002, I was employed by International Business Machines Corporation
7 ("IBM") as a Human Resources Manager for the Storage Technology Division.

8 3. Following his reinstatement, I was the Human Resources representative
9 who assisted management in locating and placing Sam Abboud in a new position in the Tribology
10 Department. Based on my understanding, as compared to Mr. Abboud's former position in the
11 Thin-Film Recording Head Department, this position had the same title of Senior Engineer, the
12 same band level (9), the same salary, the same benefits, materially similar Senior Engineer-level
13 responsibilities, and similar opportunities for advancement.

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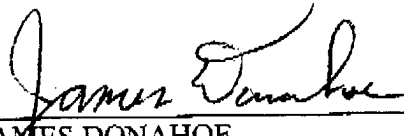
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 15TH day of December, 2005, at PALO ALTO CA.
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6 By 
7 JAMES DONAHOE
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